UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

TANYA RENEE HENDERSON,

Plaintiff,

versus

CIVIL ACTION NO. 1:10-CV-151

JASPER POLICE DEPARTMENT, et al.,

Defendants.

MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

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Plaintiff Tanya Renee Henderson, proceeding *pro se* and *in forma pauperis*, brought this lawsuit pursuant to 42 U.S.C. § 1983 against the Jasper Police Department and Officer Foster.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends this action be dismissed for failure to state a claim upon which relief may be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).

After careful consideration, the court concludes Plaintiff's objections are without merit. Plaintiff is barred from proceeding with her claim concerning the revocation of her probation because she has neither alleged nor demonstrated that the revocation has been overturned or otherwise called into question. *See Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994). Further, plaintiff's remaining claims are barred by the applicable statute of limitations.

ORDER

Accordingly, Plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 16th day of December, 2010.

Marcia A. Crone

MARCIA A. CRONE

UNITED STATES DISTRICT JUDGE